

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL CARROLL,

Petitioner,

v.

Civil No. 2:07-12679

HONORABLE DENISE PAGE HOOD

UNITED STATES DISTRICT JUDGE

S.L. BURT,

Respondent,

**ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY AND
DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS ON APPEAL**

On June 30, 2010, this Court dismissed petitioner's application for a writ of habeas corpus on the ground that the petition was filed outside of the one year statute of limitations for habeas petitions contained in 28 U.S.C. § 2244(d)(1). The United States Court of Appeals for the Sixth Circuit subsequently affirmed the Court's dismissal of the habeas petition, finding that petitioner had made an insufficient showing of actual innocence so as to toll the limitations period. *Carroll v. Burt*, 443 Fed. Appx. 991 (6th Cir. 2011). On February 5, 2013, the Court entered an Order denying Petitioner's Rule 60(b) Motion for Relief from Judgment and Motion to Waive Fees. (Doc. No. 25)

This matter is now before the Court on Petitioner's Motion for Certificate of Appealability and Application to Proceed In Forma Pauperis on Appeal. The Court, in its February 5, 2013 Order, denied any request for Certificate of Appealability and any request to proceed in forma pauperis. Considering the

instant motion and application as Motions for Reconsideration, the Court finds Petitioner has not shown a palpable defect was made by the Court in its previous ruling. Petitioner has failed to make a substantial showing of the denial of a constitutional right or that this Court's procedural ruling was incorrect. Petitioner has failed to show a good faith basis for an appeal.

Accordingly,

IT IS ORDERED that the Motion for Certificate of Appealability is **DENIED**.

[Dkt. Entry # 26].

IT IS FURTHER ORDERED that the Application to Appeal In Forma Pauperis on Appeal is **DENIED**. [Dkt. Entry # 28]

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: March 6, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 6, 2013, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager